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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,993	06/06/2000	Raino Lintulampi	872.0018 USU	8073
29683	7590	05/12/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2666	
DATE MAILED: 05/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,993

Applicant(s)

LINTULAMPI, RANIO

Examiner

PHUC H. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/5/2005
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12-14, 16-18, 20-22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moslemie et al. (WO 98/57509) in view of Kim et al. (U.S. Patent No. 6768728 B1).

- With respect to claim 1, 6, 14, 18, 22, & 26, Moslemie teaches a method for operating a wireless telecommunications system (Fig. 1), comprising steps of:

signaling, between a mobile station (MS in Fig. 1) to a network (BTS in Fig. 1), that one of the mobile station or the network is temporarily ceasing transmission of frames (page 14 lines 18-20);

at the network (BTS in Fig. 1), and in response to the signaling that one of the mobile station or the network is temporarily ceasing transmission of frames (e.g. the detection of DTX), determining if a current traffic channel that is assigned to the mobile station can be retained by the mobile station, (e.g. the traffic channel ch4 is used to transmit data packet in page 14, lines 13-17); and

Moslemie fails to teach whether the current traffic channel must be release by the mobile station, signaling from the network to the mobile station to release the channel. Kim teaches the traffic channel release by mobile (423 in Fig. 4) and signaling from the network to the mobile

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station to release channel (425 in Fig. 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of release channel of the mobile station into Mosheim's invention for stop communication and protection of data in communication system.

- With respect to claim 2, Moslemie also teaches wherein the step of determining considers a current network requirement for traffic channels (e.g. the channel for transmitting during DTX).

- With respect to claim 3, Moslemie further teaches wherein the step of signaling occurs in response to one of the mobile station or the network entering a Discontinuous Transmission state (page 5, lines 9-18).

- With respect to claim 4, Moslemie discloses wherein the step of signaling occurs in response to a voice activity detector function of one of the mobile station or the network detecting a cessation of voice (page 10, lines 15-18).

- With respect to claims 5,13, 17, 21, & 25, Moslemie explicitly fails to teach further comprises steps of:

- at some further time, determining that at least one new frame is required to be transmitted, but it is inherently to understand that the new/reused frame is required for transmission; and

- transmitting the at least one new frame on the current traffic channel that is assigned to the mobile station (e.g. the channel is assigned to the mobile station).

- With respect to claim 7-10, Moslemie discloses wherein the current traffic channel is an uplink and downlink voice/data traffic channel (see abstract).

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- With respect to claims 12, 16, 20, & 24, Moslemie teaches a method for operating a wireless system that provides voice services and packet data services (e.g. Fig. 1), comprising steps of:

detecting, in the mobile station, a cessation of user speech (page 14 lines 18-20);

in response, signaling from the mobile station to a network that the mobile station is entering a DTX (page 5, lines 9-18);

at the network, based at least on a consideration of a current network requirement for uplink/downlink voice traffic channels, determining if a current uplink/downlink voice traffic channel that is assigned to the mobile station can be retained by the mobile station (e.g. the traffic channel ch4 is used to transmit data packet in page 14, lines 13-17).

Moslemie fails to teach whether the current traffic channel must be release by the mobile station, signaling from the network to the mobile station to release the channel. Kim teaches the traffic channel release by mobile (423 in Fig. 4) and signaling from the network to the mobile station to release channel (425 in Fig. 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of release channel of the mobile station into Mosheim's invention for stop communication and protection of data in communication system.

3. Claims 11, 15, 19, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moslemie et al. (WO 98/57509) and Kim et al. (U.S. Patent No. 6768728 B1) in further view of Jarvinen et al. (U.S. Patent No. 5960389).

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- With respect to claims 11,15,19,23, & 27, Moslemie discloses all the aspect of the claimed invention as set forth above but fails to teach transmitting comfort noise parameters over the retained voice traffic channel during the time that the mobile station or the network has temporarily ceased the transmission of voice frames. Jarvinen teaches the transmitting comfort noise parameters over traffic channel during the time of temporarily ceased the transmission of voice frames (col. 5, lines 40-42) for reducing and eliminating the noise. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of transmitting the comfort noise parameters over traffic channel during DTX for reducing and eliminating the noise in communication system.

Response to Amendment

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

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